THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.1989 of 2007

Dated:07.02.2008

Between
S.Sammaiah

.....Petitioner

and

1.The AP State Handloom Weavers
Co-op Society Limited, rep., by
Its Vice Chairman and Managing
Director, Hyderabad.

...Respondent

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.1989 of 2007

ORDER

This writ petition is filed seeking a Mandamus to declare the action of the respondent in issuing the charge memo bearing Ref.No.Admn.I/Abids HLH/Not opening/Charges/CO/08 dated 22.1.2008, as arbitrary and illegal.

According to the petitioner, earlier he filed WP No. 26602 of 2007 seeking direction to the respondent to consider his promotion to the post of Procurement Officer. Now, it is the grievance of the petitioner that when there is an order of this court in WP No.26602 of 2007 for considering his case, the respondent has created a hurdle for his promotion by issuing an innocuous charge memo, whereunder he was asked to explain as to why he failed to follow the office timings and open the showroom at 10.00 a.m., and thereby, committed minor misconduct as per the Special Bye-law No.45 (ii) relating to the service conditions of the employees.

According to the petitioner, K.Pushpa, Manager, who holds one of the keys to open the showroom came late on 26.12.2007, and he is not responsible for opening

the showroom at 10.00 a.m.

Learned counsel for the petitioner submits that in view of the orders passed by this Court in the earlier writ petition, the charge memo may not be considered for considering the promotion of the petitioner.

I am of the opinion that no writ petition can be entertained against a charge memo issued by the Authority, unless and until, it is shown that the same was issued without any authority or with a *mala fide* intention. Further, the charge memo itself speaks that it is a minor misconduct which is sought to be enquired.

In view of the above, the respondents are directed to consider the case of the petitioner for promotion, as per the directions issued in W.P No.26602 of 2007, without reference to the impugned charge memo and take appropriate decision as per law.

Writ petition is, accordingly, disposed of. No costs.

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07-02-2008

rkk